



State of Delaware Department of Justice  
Attorney General Joseph R. Biden, III

## **WHAT TO DO IF YOU HAVE A CHECK RETURNED UNPAID:**

- 1. You must first make reasonable efforts to collect on the check. Contact the check writer. You may contact them via phone, but if those efforts are unsuccessful you must send a letter via certified mail. In this letter you should identify the check by number, state amount and inform the writer that it was returned unpaid. It may be helpful to enclose a copy of the check. Inform the writer that payment is needed within ten (10) days or you will assume there is no intent to honor the check. You may add reasonable fees to the amount owed to cover your labor in retrieving the check amount and any fees you may have been charged by your bank.**
- 2. If you have followed the guidelines for accepting checks and have sent the letter to the check writer and not received payment within ten (10) days, you may submit the check to The Attorney General's Check Enforcement Program. You will need to submit a COPY of the check with the LETTER REQUEST FORM. We will send an informative letter to the check writer notifying them of the possible consequences of not making payment on the check.**

- 3. If your collection efforts have failed and the Check Enforcement Program's Information Letter did not result in payment AND THE CHECK MEETS THE PROSECUTION REQUIREMENTS LISTED BELOW resubmit a COPY of the check accompanied by the COMPLAINT FORM to the Attorney General's Check Program. We will forward it to the appropriate police agency for investigation and subsequently for prosecution.**
- 4. If collection efforts have failed and the check DOES NOT meet the prosecution requirements listed below you may still make attempts to collect on the check by contacting the police agency directly. With a police report you may request a warrant be issued at a Justice of the Peace Court. You may also pursue any appropriate civil remedies.**

## **PROSECUTION REQUIREMENTS:**

- 1. The amount of the check is \$1000.00 or more OR**
- 2. There is more than one check written by the same check writer within one month and the total amount is \$1000.00 or more OR**
- 3. The check is written on a closed account OR**
- 4. The check is fictitious or written on a non-existent account OR**
- 5. There are 4 or more checks written within one month regardless of amount.**